

## REMARKS

In view of the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claims 1-25 are pending in this application. Claims 1-25 stand rejected. Claims 1, 13-16, 18-20 and 24 have been amended. Applicants respectfully submit that no claim amendments are necessary because all claims as originally filed in the present application are allowable over the cited prior art, as discussed in detail hereinafter. However, in order to advance the prosecution of this case, Applicants have amended independent claims 1, 13-16 and 18-20 to clarify the claimed invention. No new matter has been introduced.

The Examiner objected to the specification for informalities. Specifically, the Examiner asserted that the language at page 12, third paragraph (“the authorization party returns the edit failure information to the biller and at step 66 sends edit failure information to the consumer”) provides a different interpretation of what happens in step 66 when compared to Fig. 2. Applicants respectfully submit that the first part of the language at issue -- namely, “the authorization party returns the edit failure information to the biller” -- relates to step 64. Applicants further submit that the remainder of the language at issue -- namely, “and at step 66 sends edit failure information to the consumer” -- relates to step 66. Accordingly, the above-cited language at page 12, third paragraph of the specification is indeed consistent with Fig. 2 at step 66. Applicants respectfully request that the objection to the specification for informalities be withdrawn.

The Examiner objected to claims 13-15, 19 and 24 for informalities. Specifically, the Examiner asserted that the phrase “confirmation number” used in the claims and in the disclosure is unclear in light of the use of the phrase “verification code.” Applicants have

amended claims 13-15, 19 and 24 to address the Examiner's objection. Accordingly, Applicants respectfully request that the objection to claims 13-15, 19 and 24 for informalities be withdrawn.

Turning now to the substantive claim rejections, independent claims 1, 13-15 and 20 and dependent claims 2-4, 7-8, 10, 12, 21-22 and 24 stand rejected under 35 U.S.C. § 102(c) as being anticipated by U.S. Patent Appl. Publ. 2003/0229590 ("Byrne"). Applicants respectfully traverse these claim rejections for the reasons set forth hereinafter.

As set forth in detail in the present application, Applicants' claimed invention is directed to a bill payment authorization system and method for credit card or bank account charges for a billing party in response to electronic payment requests sent over the Internet from customers. Web services software is used to facilitate the transmission of authorization information to each biller's website where it can be formatted to the biller's specification. Notification of the authorization or rejection of the payment request is sent to the consumer by the biller as well as the authorizing party by e-mail. Individual transaction identification numbers and billing personnel identification numbers can be provided by the billing party by the authorizing party. Credit or debit card verification codes can be used to minimize fraud.

The Byrne reference cited by the Examiner describes embodiments for a global integrated payment system for Internet payment enablement and support for merchants or other financial institutions. A payment transaction manager securely routes payment transactions from merchants via the system back-end to different financial institutions. The payment transaction manager accepts any payment transaction, from any device, using any protocol. Unlike the present claimed invention, Byrne does not teach or suggest editing information entered by a consumer and sent by a biller and returning edit failure information to the consumer and the biller if editing fails.

The Federal Circuit has instructed that anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *See W.L. Gore & Assocs. v. Garlock, Inc.*, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 841 (1984); *see also Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984) (requiring that the prior art reference disclose each element of the claimed invention arranged as in the claim). Considering that the system and method of the present invention as claimed in independent claims 1, 13-15 and 20 differ from the system and method disclosed in Byrne, as discussed above, it is respectfully submitted that independent claims 1, 13-15 and 20 are not anticipated by and are patentable over Byrne. Notice to this effect is earnestly solicited.

Regarding the rejection of dependent claims 2-4, 7-8, 10, 12, 21-22 and 24 as anticipated by Byrne, it is submitted that these claims are also allowable by reason of their respective dependencies from independent claims 1, 13-15 and 20, as well as for the additional features and steps recited therein. Notice to this effect is also earnestly solicited.

Dependent claims 5-6 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Byrne in view of U.S. Patent No. 6,493,685 ("Ensel"). Applicants respectfully traverse these claim rejections for the reasons set forth hereinafter.

Applicants respectfully submit that these claims are also allowable by reason of their respective dependencies from independent claim 1, as well as for the additional features and steps recited therein. Notice to this effect is also earnestly solicited.

In addition, Ensel does not cure the severe deficiencies of Byrne. The Ensel patent cited by the Examiner describes embodiments for an electronic account presentation and response system and method to interface between a biller and its customers for both the

presentment of electronic bills to the customers and for the processing of payments from the biller's customers. The system and method creates and electronically publishes bills to the biller's customers in response to data provided by the biller and processes the payments in response to instructions provided by the customers. As with Byrne, Ensel does not teach or suggest editing information entered by a consumer and sent by a biller and returning edit failure information to the consumer and the biller if editing fails.

Independent claims 18 and 19 and dependent claims 11, 23 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Byrne in view of U.S. Patent No. 6,119,106 ("Mersky"). Applicants respectfully traverse these claim rejections for the reasons set forth hereinafter.

As discussed above, Byrne does not teach or suggest a bill payment authorization system and method that allows for editing information entered by a consumer and sent by a biller and returning edit failure information to the consumer and the biller if editing fails. Mersky does not cure the severe deficiencies of Byrne. The Mersky patent cited by the Examiner describes embodiments of a system for facilitating customer payments to creditors from a remote site including computer systems located at respective agent, service provider and creditor sites. A customer using the system for the first time typically visits one of the remote sites and tenders payment, preferably manually, in response to receiving a creditor billing statement. Information relating to the customer, including name, address and customer account number with the creditor are entered into the agent system at that remote site along with the payment amount, and a receipt containing transaction information is printed and conveyed to the customer. If a customer chooses to use the system a second or subsequent time by paying a bill at the same agent location, the stored information for that customer can be accessed and used to avoid having

to obtain and process that information. As with Byrne, Mersky does not teach or suggest editing information entered by a consumer and sent by a biller and returning edit failure information to the consumer and the biller if editing fails.

In view of all the foregoing, it is submitted that one of ordinary skill in the art who reads and understands Byrne and Mersky would not be motivated, let alone equipped, to arrive at the present invention as claimed in independent claims 18 and 19, and these claims are patentable over Byrne and Mersky, whether taken alone or combined. Notice to this effect is earnestly solicited.

Regarding the rejection of dependent claims 11, 23 and 25, it is submitted that these claims are also allowable by reason of their respective dependencies from independent claims 1 and 20, as discussed above, as well as for the additional features and steps recited therein. Notice to this effect is also earnestly solicited.

Independent claim 16 and dependent claim 17 stand rejected under 35 U.S.C. § 103(a) as being obvious over Byrne in view of U.S. Patent Appl. Publ. 2002/0029194 (“Lewis”). Applicants respectfully traverse these claim rejections for the reasons set forth hereinafter.

As discussed above, Byrne does not teach or suggest a bill payment authorization system and method that allows for editing information entered by a consumer and sent by a biller and returning edit failure information to the consumer and the biller if editing fails. Lewis does not cure the severe deficiencies of Byrne. The Lewis reference cited by the Examiner describes embodiments of a method and system for managing transactions over an electronic network that accepts input of all transaction, participant and financial information and creates a secure, participant personalized and transaction-customized graphical user transaction interface, where participants can view, update and complete transaction details and documents over the electronic

network. A database stores laws, requirements and customs for documents and procedures of all jurisdictions and potential participants. Based on the input information regarding the transaction and all rules, the system automatically creates the interface and documents unique to the transaction, in the proper format and with the correct information. As with Byrne, Lewis does not teach or suggest editing information entered by a consumer and sent by a biller and returning edit failure information to the consumer and the biller if editing fails.

In view of all the foregoing, it is submitted that one of ordinary skill in the art who reads and understands Byrne and Lewis would not be motivated, let alone equipped, to arrive at the present invention as claimed in independent claim 16, and these claims are patentable over Byrne and Lewis, whether taken alone or combined. Notice to this effect is earnestly solicited.

Regarding the rejection of dependent claim 17, it is submitted that this claim is also allowable by reason of its respective dependency from independent claim 16, as well as for the additional features and steps recited therein. Notice to this effect is also earnestly solicited.

On the basis of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for immediate allowance, and notice to this effect is respectfully requested. The Examiner is invited to contact Applicants' undersigned attorney at the telephone number set forth below if it will advance the prosecution of this case.

No fee is believed to be due with the filing of this Amendment. However, if any fee is due, the Director is hereby authorized to charge any additional deficiencies or credit any overpayments to Deposit Account No. 05-0765.

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Respectfully submitted,

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